

## **Resolution 3086**

### **RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN**

#### Findings

- A. The City of Bend has the authority to exercise the power of eminent domain under the City of Bend Charter, ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City of Bend's governing body to accomplish public purposes.
- B. The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
- C. The project known as the 14th Street Reconstruction, Phase I has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure so that property damage is minimized, transportation promoted and travel safeguarded.
- D. To accomplish this project, it is necessary to acquire the interests in property described in the attached Easements 1-4.

Based on these findings, the City Council of the City of Bend resolves as follows:

- Section 1. The Council accepts the Findings as facts in support of this Resolution. The properties being acquired are necessary for the construction of the project and are in the public interest. The project has been planned, designed, located and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
- Section 2. The power of eminent domain is exercised with respect to each of the properties and interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- Section 3. City staff and the City's agents and attorneys are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition. In the event that no satisfactory agreement can be reached, City staff, agents and attorneys are authorized to commence and prosecute condemnation proceedings necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.

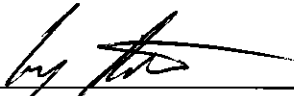
Section 4. The City of Bend expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality or locality, and to change or abandon any acquisition.

Section 5. This resolution takes effect immediately upon adoption.

Adopted by roll call vote of the Bend City Council on September 20, 2017.

YES: Casey Roats, Mayor  
Sally Russell  
Bill Moseley  
Bruce Abernethy  
Nathan Boddie  
Justin Livingston  
Barb Campbell

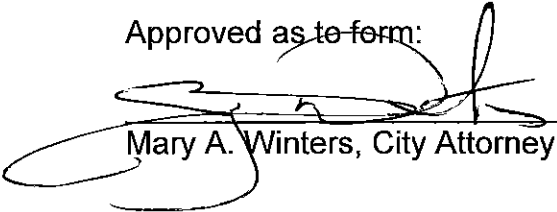
NO: NONE

  
\_\_\_\_\_  
Casey Roats, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

## EXHIBIT A

**14th Street – Temporary Easement Acquisition**  
**TL 181206A 00801**  
**14th-07**

### PROPERTY DESCRIPTION

A 20.00 foot wide strip of land, containing 600 square feet, more or less, being a portion of that parcel of land described in Statutory Warranty Deed recorded February 11, 2016, Instrument No. 2016-4875, Deschutes County Records, located in the Northwest One-Quarter of the Northeast One-Quarter (NW1/4 NE1/4) of Section 6, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The West 20.00 feet of the North 30.00 feet of said parcel of land.

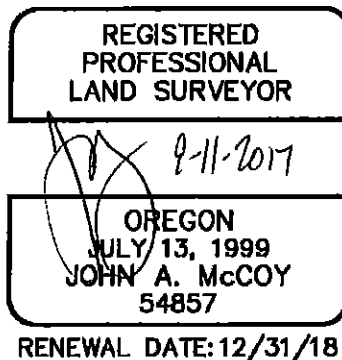


EXHIBIT "B"

EASEMENT ACQUISITION PARCEL - TL 181206A 00801  
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4)  
OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON

CENTURY DRIVE

EASEMENT AREA  
600 SF±

20'

30'

INSTRUMENT NO.  
2016-4875



NORTH

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]* 9-11-2017

OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

RENEWAL DATE: 12/31/18

**HWA**  
CIVIL ENGINEERING | SURVEYING | PLANNING

CITY OF BEND - 14TH STREET PROJECT

TEMPORARY CONSTRUCTION EASEMENT - (14TH-07)

SCALE: 1" = 30'

DRAWN BY: JMc

DATE: 9-11-2017

SHEET

1/1

AERIAL VIEW

EASEMENT ACQUISITION PARCEL - TL 181206A 00801  
OWNER: TUMALO RIVER REAL ESTATE LLC  
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4)  
OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



## EXHIBIT A

**14th Street – Temporary Easement Acquisition**  
**TL 181206A 00905**  
**14th-08**

### PROPERTY DESCRIPTION

A 20.00 foot wide strip of land, containing 600 square feet, more or less, being a portion of that parcel of land described in Bargain and Sale Deed recorded March 20, 2008, Instrument No. 2008-12464, Deschutes County Records, located in the Northwest One-Quarter of the Northeast One-Quarter (NW1/4 NE1/4) of Section 6, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The West 20.00 feet of the South 30.00 feet of said parcel of land.

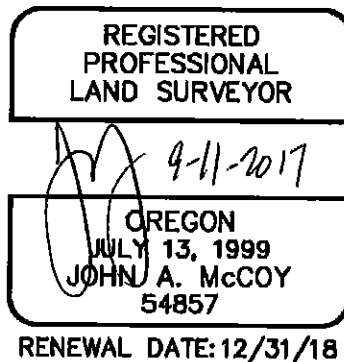
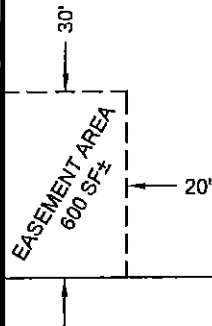


EXHIBIT "B"

EASEMENT ACQUISITION PARCEL - TL 181206A 00905  
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4)  
OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON

CENTURY DRIVE

INSTRUMENT NO.  
2008-12464



NORTH

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*9-11-2017*

OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

RENEWAL DATE: 12/31/18

**HWA**  
CIVIL ENGINEERING | SURVEYING | PLANNING

CITY OF BEND - 14TH STREET PROJECT

TEMPORARY CONSTRUCTION EASEMENT - (14TH-08)

SCALE: 1" = 30'

DRAWN BY: JMc

DATE: 9-11-2017

SHEET

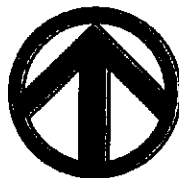
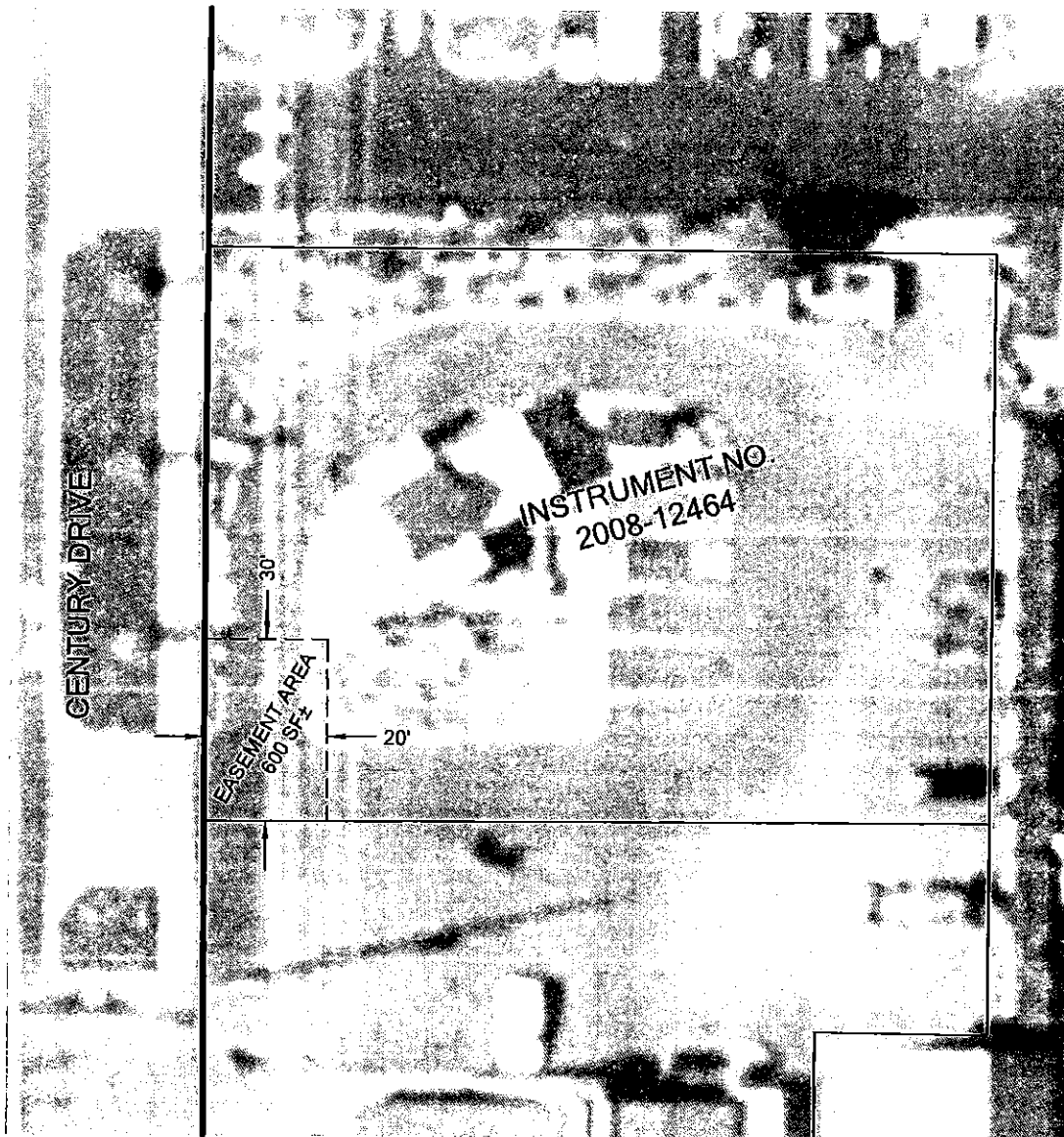
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# AERIAL VIEW

EASEMENT ACQUISITION PARCEL - TL 181206A 00905

OWNER: COKER HOLDINGS LLC

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4 NE1/4)  
OF SECTION 6, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



NORTH

**HWA**  
CIVIL ENGINEERING | SURVEYING | PLANNING

CITY OF BEND - 14TH STREET PROJECT

TEMPORARY CONSTRUCTION EASEMENT - (14TH-08)

SCALE: 1" = 30'

DRAWN BY: JMc

DATE: 9-11-2017

SHEET

1/1



## EXHIBIT A

**14th Street – Temporary Easement Acquisition**  
**TL 171231AC 07900**  
**14th-12**

### PROPERTY DESCRIPTION

An 8.00 foot wide strip of land, containing 800 square feet, more or less, being a portion of Lot 1, Block 21, Northwest Townsite Co's Second Addition to Bend, Oregon, located in the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The East 8.00 feet of said Lot 1.

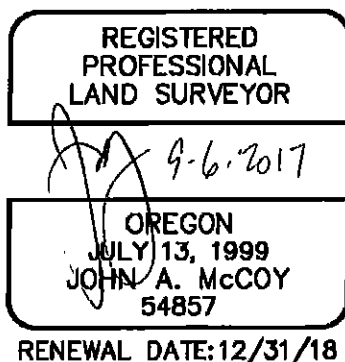
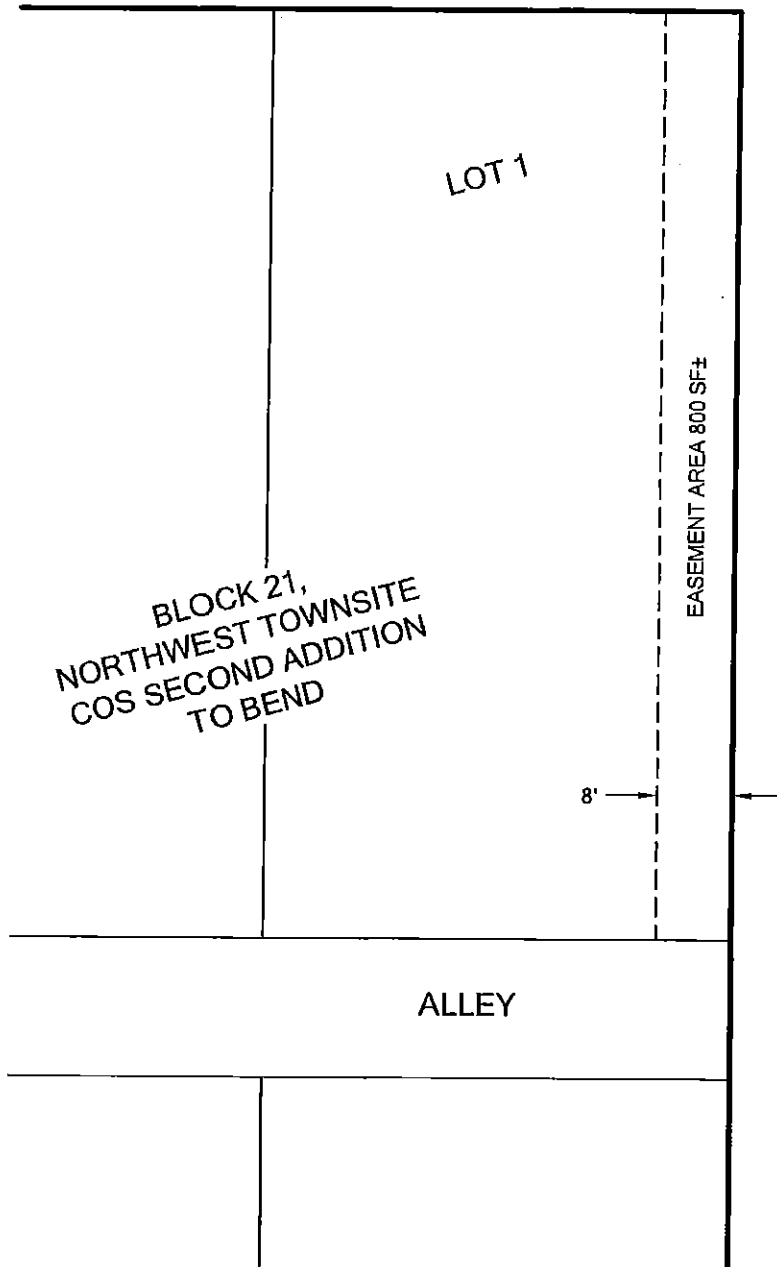


EXHIBIT "B"

EASEMENT ACQUISITION PARCEL - TL 171231AC 07900  
LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4)  
OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON

LEXINGTON AVENUE



NORTH

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]* 9-6-2017

OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

RENEWAL DATE: 12/31/18

**HWA**  
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CITY OF BEND - 14TH STREET PROJECT

TEMPORARY CONSTRUCTION EASEMENT - (14TH-12)

SCALE: 1" = 20'

DRAWN BY: JMc

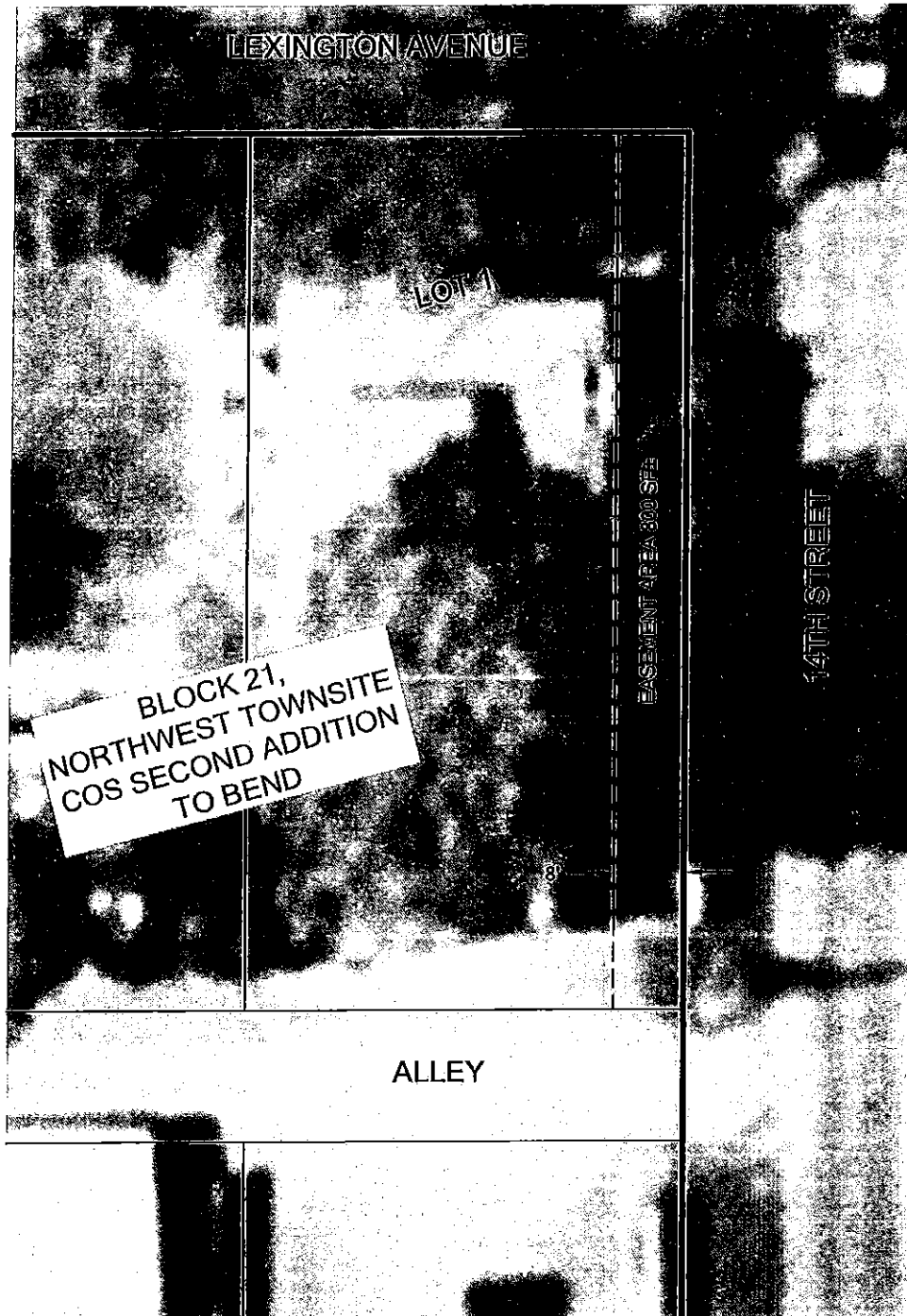
DATE: 9-6-2017

SHEET

1/1

## AERIAL VIEW

EASEMENT ACQUISITION PARCEL - TL 171231AC 07900  
OWNER: STEPHEN W. ESSWEIN AND M. FAYE ESSWEIN  
LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4)  
OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



NORTH

# HWA

CIVIL ENGINEERING | SURVEYING | PLANNING

## CITY OF BEND - 14TH STREET PROJECT TEMPORARY CONSTRUCTION EASEMENT - (14TH-12)

SCALE: 1" = 20'

DRAWN BY: JMc

DATE: 9-6-2017

SHEET

1/1

## EXHIBIT A

**14th Street – Temporary Easement Acquisition**  
**TL 171231AC 06700**  
**14th-13**

### PROPERTY DESCRIPTION

A 5.00 foot wide strip of land, containing 500 square feet, more or less, being a portion of Lot 16, Block 17, Northwest Townsite Co's Second Addition to Bend, Oregon, located in the Southwest One-Quarter of the Northeast One-Quarter (SW1/4 NE1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The East 5.00 feet of said Lot 16.

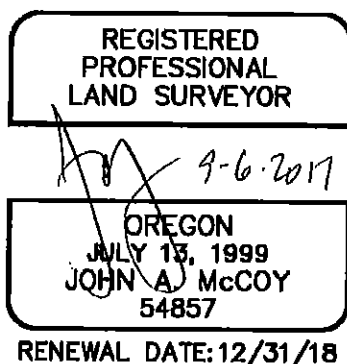
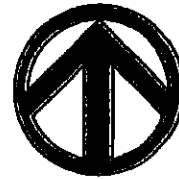
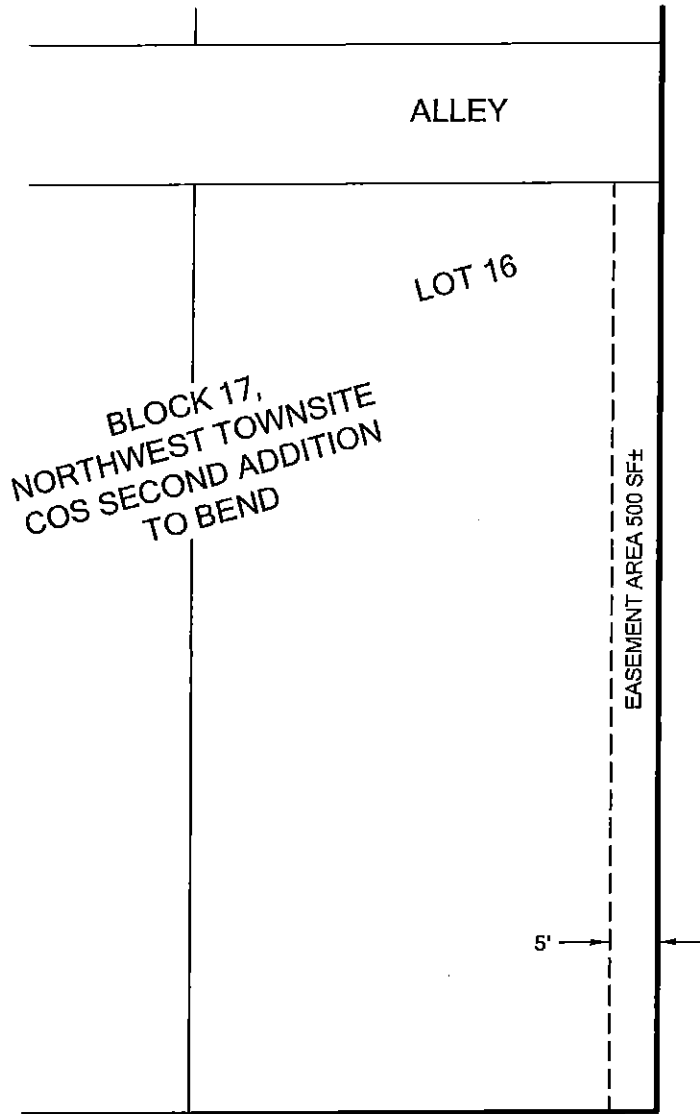


EXHIBIT "B"

EASEMENT ACQUISITION PARCEL - TL 171231AC 06700  
LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4)  
OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



NORTH

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*9-6-2017*

OREGON  
JULY 13, 1999  
JOHN A. McCOY  
54857

RENEWAL DATE: 12/31/18

**HWA**

CIVIL ENGINEERING | SURVEYING | PLANNING

CITY OF BEND - 14TH STREET PROJECT

TEMPORARY CONSTRUCTION EASEMENT - (14TH-13)

SCALE: 1" = 20'

DRAWN BY: JMc

DATE: 9-6-2017

SHEET

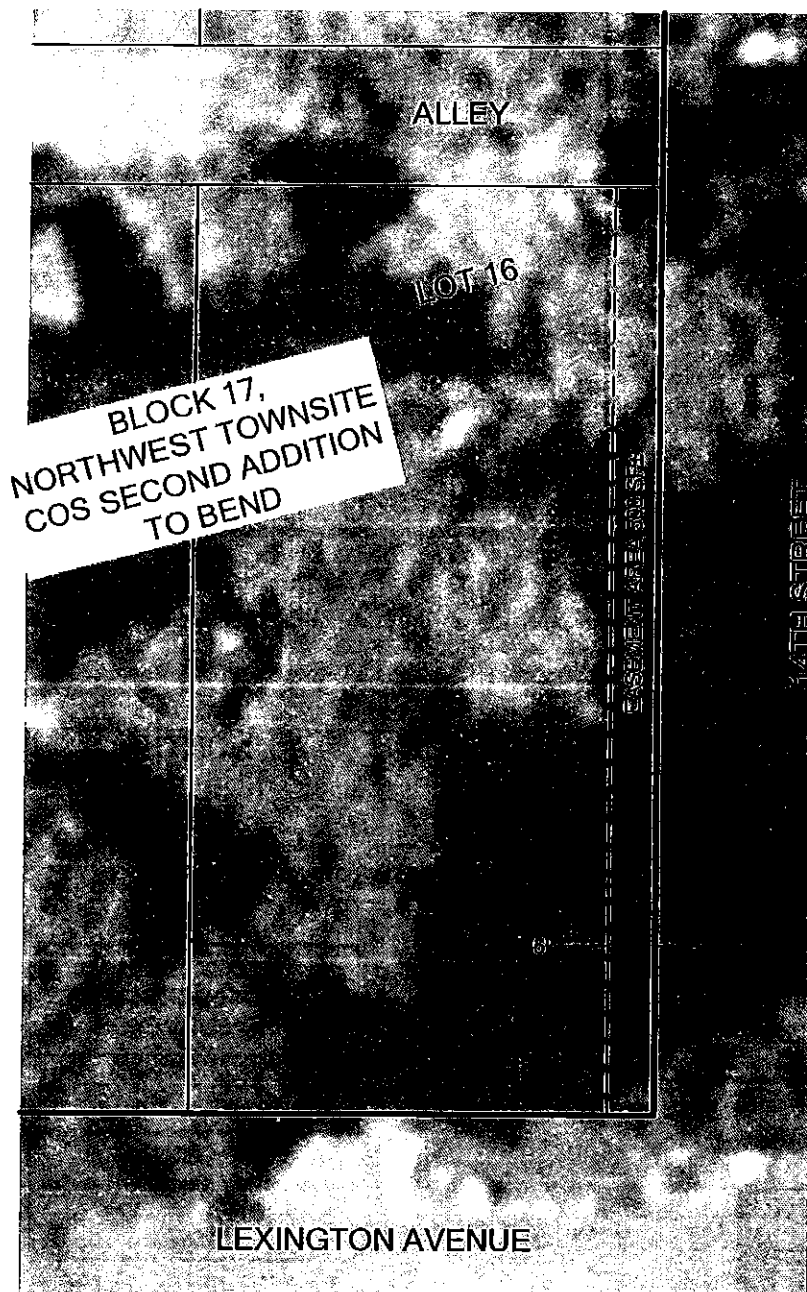
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# AERIAL VIEW

EASEMENT ACQUISITION PARCEL - TL 171231AC 06700

OWNER: JON LORBERAU AND KAREN LORBERAU

LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4)  
OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



NORTH